



0000117063

RECEIVED

2002 SEP 27 A 10: 28

**BEFORE THE ARIZONA CORPORATION COMMISSION**

Arizona Corporation Commission

DOCKETED

SEP 27 2002

AZ CORP COMMISSION  
DOCUMENT CONTROL

**WILLIAM A. MUNDELL**  
Chairman  
**JIM IRVIN**  
Commissioner  
**MARC SPITZER**  
Commissioner

DOCKETED BY

CHL

In the matter of:

DOCKET NO. S-03486A-02-0000

DAVID R. KRIZMAN  
3620 N. Lynford Place  
Tucson, Arizona 85749

**MOTION TO CONTINUE**

**Respondent.**

The Securities Division (“Division”) of the Arizona Corporation Commission (“Commission”) requests the Commission continue the hearing scheduled for October 1, 2002 for 60 days to allow the parties additional time in which to settle this matter.

## DISCUSSION

On May 31, 2002, the Division filed a Notice of Opportunity for Hearing. On June 18, 2002, Respondent Krizman through his Michigan based attorney requested a hearing. A pre-hearing conference was held before the Honorable Marc E. Stearn on July 11, 2002. Neither Respondent nor his attorney appeared at the pre-hearing conference. At the pre-hearing conference Division counsel represented that the parties were attempting to negotiate a settlement and requested a hearing be set 60 to 90 days if a consent order is not approved in the interim by the commission. A procedural order issued on July 12, 2002 setting the hearing for October 1, 2002.

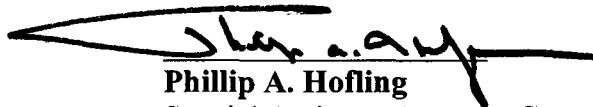
During the interim period, the parties have had several discussions attempting to reach a settlement with the latest exchange of a proposed consent order having been tendered September 23, 2002.

1 **CONCLUSION**

2 Settlement still appears to be possible. A 60 day continuance will prejudice neither party  
3 nor compromise Respondent's due process rights. Therefore, the Division respectfully requests  
4 that a 60 day continuance be granted in this matter.

5  
6 Respectfully submitted this 27<sup>th</sup> day of September, 2002.

7  
8 **Janet Napolitano**  
Attorney General for the State of Arizona

9  
10   
11 **Phillip A. Hofling**  
Special Assistant Attorney General  
12 **Moiria McCarthy**  
Assistant Attorney General  
13 Attorneys for the Securities Division of the  
Arizona Corporation Commission

14 Original and thirteen copies  
15 of the foregoing hand-delivered  
this 27<sup>th</sup> day of September, 2002, to:

16 Docket Control  
17 Arizona Corporation Commission  
1200 West Washington Street  
18 Phoenix, AZ 85007

19 A copy of the foregoing faxed/mailed  
20 this 27<sup>th</sup> day of September 2002, to:

21 Walter L. Baumgardner, Esq.  
Musilli, Baumgardner & Parnell, P.C.  
22 24001 Greater Mack Avenue  
23 St. Clair Shores, Michigan 48080  
24  
25  
26